

1 AN ACT concerning schools.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing
5 Section 27-8.1 as follows:

6 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

7 Sec. 27-8.1. Health examinations and immunizations.

8 (1) In compliance with rules and regulations which the
9 Department of Public Health shall promulgate, and except as
10 hereinafter provided, all children in Illinois shall have a
11 health examination as follows: within one year prior to
12 entering kindergarten or the first grade of any public,
13 private, or parochial elementary school; upon entering the
14 fifth and ninth grades of any public, private, or parochial
15 school; prior to entrance into any public, private, or
16 parochial nursery school; and, irrespective of grade,
17 immediately prior to or upon entrance into any public,
18 private, or parochial school or nursery school, each child
19 shall present proof of having been examined in accordance
20 with this Section and the rules and regulations promulgated
21 hereunder.

22 A tuberculosis skin test screening shall be included as a
23 required part of each health examination included under this
24 Section if the child resides in an area designated by the
25 Department of Public Health as having a high incidence of
26 tuberculosis. Additional health examinations of pupils,
27 including dental and vision examinations, may be required
28 when deemed necessary by school authorities. Parents are
29 encouraged to have their children undergo dental examinations
30 at the same points in time required for health examinations.

31 (2) The Department of Public Health shall promulgate

1 rules and regulations specifying the examinations and
2 procedures that constitute a health examination and may
3 recommend by rule that certain additional examinations be
4 performed. The rules and regulations of the Department of
5 Public Health shall specify that a tuberculosis skin test
6 screening shall be included as a required part of each health
7 examination included under this Section if the child resides
8 in an area designated by the Department of Public Health as
9 having a high incidence of tuberculosis. The Department of
10 Public Health shall specify that a diabetes screening as
11 defined by rule shall be included as a required part of each
12 health examination. Diabetes testing is not required.

13 Physicians licensed to practice medicine in all of its
14 branches, advanced practice nurses who have a written
15 collaborative agreement with a collaborating physician which
16 authorizes them to perform health examinations, or physician
17 assistants who have been delegated the performance of health
18 examinations by their supervising physician shall be
19 responsible for the performance of the health examinations,
20 other than dental examinations and vision and hearing
21 screening, and shall sign all report forms required by
22 subsection (4) of this Section that pertain to those portions
23 of the health examination for which the physician, advanced
24 practice nurse, or physician assistant is responsible. If a
25 registered nurse performs any part of a health examination,
26 then a physician licensed to practice medicine in all of its
27 branches must review and sign all required report forms.
28 Licensed dentists shall perform all dental examinations and
29 shall sign all report forms required by subsection (4) of
30 this Section that pertain to the dental examinations.
31 Physicians licensed to practice medicine in all its branches,
32 or licensed optometrists, shall perform all vision exams
33 required by school authorities and shall sign all report
34 forms required by subsection (4) of this Section that pertain

1 to the vision exam. Vision and hearing screening tests,
2 which shall not be considered examinations as that term is
3 used in this Section, shall be conducted in accordance with
4 rules and regulations of the Department of Public Health, and
5 by individuals whom the Department of Public Health has
6 certified.

7 (3) Every child shall, at or about the same time as he
8 or she receives a health examination required by subsection
9 (1) of this Section, present to the local school proof of
10 having received such immunizations against preventable
11 communicable diseases as the Department of Public Health
12 shall require by rules and regulations promulgated pursuant
13 to this Section and the Communicable Disease Prevention Act.

14 (4) The individuals conducting the health examination
15 shall record the fact of having conducted the examination,
16 and such additional information as required, on uniform forms
17 which the Department of Public Health and the State Board of
18 Education shall prescribe for statewide use. The examiner
19 shall summarize on the report form any condition that he or
20 she suspects indicates a need for special services. The
21 individuals confirming the administration of required
22 immunizations shall record as indicated on the form that the
23 immunizations were administered.

24 (5) If a child does not submit proof of having had
25 either the health examination or the immunization as
26 required, then the child shall be examined or receive the
27 immunization, as the case may be, and present proof by
28 October 15 of the current school year, or by an earlier date
29 of the current school year established by a school district.
30 To establish a date before October 15 of the current school
31 year for the health examination or immunization as required,
32 a school district must give notice of the requirements of
33 this Section 60 days prior to the earlier established date.
34 If for medical reasons one or more of the required

1 immunizations must be given after October 15 of the current
2 school year, or after an earlier established date of the
3 current school year, then the child shall present, by October
4 15, or by the earlier established date, a schedule for the
5 administration of the immunizations and a statement of the
6 medical reasons causing the delay, both the schedule and the
7 statement being issued by the physician, advanced practice
8 nurse, physician assistant, registered nurse, or local health
9 department that will be responsible for administration of the
10 remaining required immunizations. If a child does not comply
11 by October 15, or by the earlier established date of the
12 current school year, with the requirements of this
13 subsection, then the local school authority shall exclude
14 that child from school until such time as the child presents
15 proof of having had the health examination as required and
16 presents proof of having received those required
17 immunizations which are medically possible to receive
18 immediately. During a child's exclusion from school for
19 noncompliance with this subsection, the child's parents or
20 legal guardian shall be considered in violation of Section
21 26-1 and subject to any penalty imposed by Section 26-10.

22 (6) Every school shall report to the State Board of
23 Education by November 15, in the manner which that agency
24 shall require, the number of children who have received the
25 necessary immunizations and the health examination as
26 required, indicating, of those who have not received the
27 immunizations and examination as required, the number of
28 children who are exempt from health examination and
29 immunization requirements on religious or medical grounds as
30 provided in subsection (8). This reported information shall
31 be provided to the Department of Public Health by the State
32 Board of Education.

33 (7) Upon determining that the number of pupils who are
34 required to be in compliance with subsection (5) of this

1 Section is below 90% of the number of pupils enrolled in the
2 school district, 10% of each State aid payment made pursuant
3 to Section 18-8 to the school district for such year shall be
4 withheld by the regional superintendent until the number of
5 students in compliance with subsection (5) is the applicable
6 specified percentage or higher.

7 (8) Parents or legal guardians who object to health
8 examinations or any part thereof, or to immunizations, on
9 religious grounds shall not be required to submit their
10 children or wards to the examinations or immunizations to
11 which they so object if such parents or legal guardians
12 present to the appropriate local school authority a signed
13 statement of objection, detailing the grounds for the
14 objection. If the physical condition of the child is such
15 that any one or more of the immunizing agents should not be
16 administered, the examining physician, advanced practice
17 nurse, or physician assistant responsible for the performance
18 of the health examination shall endorse that fact upon the
19 health examination form. Exempting a child from the health
20 examination does not exempt the child from participation in
21 the program of physical education training provided in
22 Sections 27-5 through 27-7 of this Code.

23 (9) For the purposes of this Section, "nursery schools"
24 means those nursery schools operated by elementary school
25 systems or secondary level school units or institutions of
26 higher learning.

27 (Source: P.A. 91-357, eff. 7-29-99; 92-703, eff. 7-19-02.)

28 Section 99. Effective date. This Act takes effect on
29 January 1, 2004.